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Having carefully reviewed and considered all of the materials in the court file, including the findings and recommendation, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendations are ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. A Final Judgment will be entered.

Done this 19th day of August 2011.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
167458